IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

JENNIFER MIRANDA)
10517 Brairwood Ct.) Case No: 1:14-cv-1866
Carlisle Twp., OH 44035	
1 /) JURY DEMAND REQUESTED
Plaintiff,	
V.	CIVIL COMPLAINT
	(Unlawful Debt Collection Practices)
WELTMAN, WEINBERG &)
REIS CO., L.P.A.)
c/o Alan Weinberg)
323 W. Lakeside Avenue Ste. 200)
Cleveland, Ohio 44113	
)
Defendant.)

COMPLAINT

PLAINTIFF, Jennifer Miranda (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, Weltman, Weinberg, & Reis Co. L.P.A., (Defendant):

INTRODUCTION

Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15
U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

- 2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.
- 3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
- 4. Venue is proper pursuant to 28 *U.S.C.* 1391(b)(2).

PARTIES

- 5. Plaintiff is a natural person who resides in the Township of Carlisle, Lorain County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by 15 U.S.C. 1692a(3).
- 6. Pursuant to the definitions outlined in 15 U.S.C. 1692a(1-6), Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
- 7. Defendant is an Ohio law firm and business entity and debt collector with an office in Cleveland, Ohio.
- 8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).
- 9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

- 10. Upon information and belief, Defendant is attempting to collect an alleged debt incurred for personal, family or household purposes.
- 11. Defendant sent a collection letter to Plaintiff dated February 5th, 2014 requesting payment on a debt for which Defendant had already obtained a garnishment.

12. When Plaintiff contacted Defendant to discuss the letter, Defendant's agent stated there was no account open for the Plaintiff, misrepresenting that a letter had been sent.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

- 13. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
 - b. Defendant violated $\S 1692e$ by using any false, deceptive, or misleading representation or means in connection with the collection of a debt.
 - c. Defendant violated $\S1692e(2)(A)$ by the false representation of the character, amount, or legal status of a debt.

WHEREFORE, Plaintiff, Jennifer Miranda, respectfully requests judgment be entered against Defendant, for the following:

- 14. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 15. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 16. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Jennifer Miranda, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ J. Daniel Scharville

J. DANIEL SCHARVILLE (0071132)

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Attorney for Plaintiff